Appeal time expires 3.1.38 V.E

Al761

Very Urgent.
Ref.A3.No.893/34
3106/36.

South Kanara Collector's Office
Mangalore, 11th December 1937.

M.R.Ry. Rao Bahadur M.V.Vellodi, Avl.,B.A.,
Collector of South Kanara.

The Secretary to the Board,
Land Revenue and Settlement,
Madras.

Sir,

Suits - (South Kanara) - Puttur District Munsif's Court O.S.No.288/36 - Escheat - Kolnad village - Late Narayana Makkithaya's property - Adverse decision - Filing of appeal -

In B.P.No.Mis.1107 dated 28.3.36 the Board declared certain properties belonging to the late Narayana Makkithaya of Kolnad village as escheat to Government and also approved a draft plaint, submitted with this office letter Ref.A3.No. 893/34 dated 27.2.36. The suit which was accordingly filed was decided by the District Munsif, Puttur, on 25.10.37 in O.S.288/36 on his file. The District Munsif has, in para 6 of the judgment, held that the plaintiff (Government) is entitled to the plaint properties by right of escheat and allowed the suit so far as it relates to the plaint B. schedule properties.

2. As regards the plaint A Schedule properties, which form the major portion of the estate, the District Munsif has, however, held that the mortgage deed, decree etc., in favour of the 1st defendant or his predecessors in title, are binding on the Government. The Pleader for Government, Puttur, has in para 4 of his Summary and Notes (copy enclosed) fully dealt with all the points raised by the District Munsif in his findi

1937

Department of Revenue

OFFICE Board of Rev

STATION Madras

Mis No. 3773

Dated 6-12-37

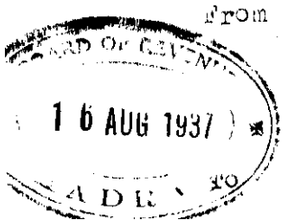
Pages in the file cf 40 up 4

(SUBJECT.)

Alienation lands Rev - (S. Kanara) - Mangalore Tq - Mangalore Dista Tq - 287/2 & 288/2 - Extension of time ex - Parish Priest of the Three Kings Mangalore - Sanctd.

Ref.B3.1039-37.

South Kanara Collector's Office,
Mangalore, dated 11th August 37.



From

K.R.Ry. Rao Bahadur M.V.Vellodi, Avl., B.A.,
Collector of South Kanara.

The Secretary to
The Board of Revenue, Madras.

Sir,

Alienation - land and revenue - Mangalore Talu Mangalore Thota village - T.S.Nos. 287/2 and 288/2 - Church extension - Parish Union of the Diocese of Mangalore - sanction requested -
B.P.Mis. 4075 dated 24.11.1936.

I enclose applications for the alienation of land and land revenue in respect of T.S.Nos. 287/2 and 288/2 of Mangalore Thota village, referred to in B.P.Mis.4075 dated 24.11.1936. Father Fernandes requests alienation in favour of the Roman Catholic Church to which he belongs and the alienation of the plots is proposed as usual in favour of the Parish Union of the Diocese of Mangalore.

2. I invite attention to my letters Ref. A.2773-36 dated 25.8.36 and 19.10.36 which contain a history of these plots. The two plots T.S.No.287/2 and 288/2 of Mangalore Thota measure 12 and 22 cents respectively. They adjoin each other and lie between the public road and T.S.287/1 and 288/1 of Mangalore Thota which are private lands purchased by the Church. The St. Rita De Cascia Church of Jeppu stands on T.S.288/1 and the plots proposed for alienation are proposed to be utilised for its extensions. The Secretary of the Parish Union states that it is proposed to utilise 1½ cents out of T.S.287/2 for the building of the sacristry and the remainder of that plot for a Church garden while in T.S.288/2, 10½ cents will, he says, be utilised as the site for the extension of the Church building

and the remaining extent as Church-yard and procession route.

3. The Parish Union has paid the market value of Rs.510/- fixed in respect of the plots and Rs.30/- as the value of the tree-growth existing on them. No communal trouble is ---- apprehended from the proposed alienation to which the Municipal Council, Mangalore, has consented. I enclose copies of the letter dated 15.6.37 of the Secretary of the Parish Union, resolution dated 19.7.37 of the Municipal Council, Mangalore and the conditions of alienation accepted by the Parish --- Union. I also enclose sketches in duplicate.

For Collector.

13/8

13.8.37

Application for the alienation of land in which the proprietary right belongs to the State.

District: South Kanara.

******

1. Description and area:	S.No.287/2, 288/2 of Mangalore Thota village in Mangalore Taluk, measuring 0.12 and 0.22 acres respectively. Rs.510/-
(a) Alienees; and	(a) Parish Union of the Diocese of Mangalore.
(b) purpose of alienation:	(b) For the extension of the S Rita De Cascia Church, Je and for other purposes co nected with that Church.
4. Collector's remarks:	Recommended,

South Kanara Collector's Office,
Mangalore, 12th August 1937.

13/8

For Collector.

Application for the alienation of land revenue payable to Government.

District: South Kanara.

---

1. Description and area:		S.No.287/2 and 288/2 of Mangalore Thota village, Mangalore Taluk, measuring 12 and 22 cents respectively (standing registered as Dry, Government Assessed Waste
2. (a) Annual ground rent:	287/2 - Rs. 1. 6. 0 288/2 - Rs. 2. 8. 0 Total: Rs. 3.14. 0	
(b) Capitalised value:	Rs.34. 6. 0 ✓ Rs.62. 8. 0 ✓ Total: Rs.96.14. 0 ✓	
Alienees and purpose of alienation:		In favour of the Parish Union of the Diocese of Mangalore. For extension of the building of the St. Rita De Cascia Church at Jeppu and other purposes connecte with that Church.

outh Kanara Collector's Office,
angalore, 12th August 1937.

For Collector.
13/8.

13.8.37

Letter from the Secretary, Parish Union of the Diocese of Mangalore.
To the Collector of South Kanara, Mangalore.
~~(Ref.B3-1839-37)~~ Dated 15th June 1937.

Alienation - Land and Revenue - Mangalore Taluk - Mangalore Thota village -T.S.No. 287/2 and 288/2 -Church - Your reference Ref.B3-1839-37 dated 5-6-1937.

I beg to inform you that the governing body of the Parish Union in its Meeting held on the 12th of June 1934 has given to the Secretary general power to accept on behalf of the Parish Union all alienations of land made in favour of the Parish Union of the Diocese of Mangalore with all the conditio attached to the same.

I therefore as Secretary of the Parish Union of the Diocese of Mangalore agree to abide by the appended conditions of alienation.

13/8.

For Collector.

13.8.37

Letter from the Secretary, Parish Union of the Diocese of Mangalore.
To the Collector of South Kanara, Mangalore.
(~~Ref.B3-1839-37~~) Dated 15th June 1937.

Alienation - Land and Revenue - Mangalore Taluk - Mangalore Thota village -T.S.No. 287/2 and 288/2 -Church - Your reference Ref.B3-1839-37 dated 5-6-1937.

I beg to inform you that the governing body of the Parish Union in its Meeting held on the 12th of June 1934 has given to the Secretary general power to accept on behalf of the Parish Union all alienations of land made in favour of the Parish Union of the Diocese of Mangalore with all the condition attached to the same.

I therefore as Secretary of the Parish Union of the Diocese of Mangalore agree to abide by the appended conditions of alienation.

For Collector.

12.8.37

Extract from the proceedings of the Mangalore Municipal Council, dated the 19th July 1937.

Present.

xx xx xx

45. Read letter Ref. B3-1839-37 dated the 21st June 1937 from the Collector of South Kanara in respect of alienation of land T.S.No. 287/2 and 288/2 of Mangalore Thota village.

The Council has no objection for the alienation of the plots referred to.

xx xx

Sd/- K. Vittal Shetty,
Chairman M.C.

(True extract)

Municipal Office,
Mangalore, 30th July 1937.

Sd/- K. Shiva Rao,
For Commissioner M.M.

(True copy)

13/8.

For Collector.

13-8-37

Extract from the proceedings of the Mangalore Municipal Council, dated the 19th July 1937.

Present.

xx xx xx

45. Read letter Ref. B3-1839-37 dated the 21st June 1937 from the Collector of South Kanara in respect of alienation of land T.S.No. 287/2 and 288/2 of Mangalore Thota village.

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(True extract)

Municipal Office,
Mangalore, 30th July 1937.

Sd/- K. Shiva Rao,
For Commissioner M.M.

(True copy)

13/8.

For Collector.

880/13.8.37

APPENDIX.

1. The land comprised in T.S.Nos. 287/2 and 288/2 of Mangalore Thota village measuring 12 and 22 cents respectively shall be used for the purposes of the St. Rita de Cascia Church Jeppoo which are detailed in the margin and for no other purpose.

Mangalore Thota village.	
No.287/2 :-	1½ cents for the site of the building of the ~~Secretary~~. Sacristy
	10½ cents - church garden.
No.288/2 :-	10½ cents site for the extension of the Church building.
	11½ cents for the church yard and procession route.

2. The buildings as specified in the margin shall be erected on the land within 2 years from the date of the grant. No other buildings shall be erected on the land without the previous permission of the Collector.

3. The grantee shall maintain the buildings after thei construction in accordance with condition 2, in good condition Such repairs as the Collector may consider necessary from time to time shall be executed by the grantee within such time as the Collector may fix and to his satisfaction. In the even of default, the repairs shall be carried out by the Collecto and the cost thereof recovered from the grantee.

4. The Government may resume the land wholly or in part with any buildings thereon in the event of infringement of any of the conditions of the grant. In the event of such --- resumption no compensation shall be payable for any improveme that may have been effected or other works that may have beer executed on the land by the grantee (and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant). If there are building on the land, the Government may direct the grantee to remove them.

the land is required for a public purpose or for conducting mining operations. (In the event of such resumption or in the event of the acquisition of the land for any reason, the compensation payable for the land and trees shall in no case --- exceed the amount paid for them by the grantee or their value at the time of resumption or acquisition whichever may be less).

6. In the event of resumption or acquisition of the plot for any reason, no compensation shall be payable for any buildings erected without permission.

7. In the event of resumption under condition 5 if there are buildings on the land, the Government may at their option, either

(a) purchase the buildings, or

(b) direct the grantee to remove the buildings.

8. In the event of the resumption of the land followed by the purchase of the buildings under condition 7 or in the event of the acquisition of the land for any reason the compensation payable for buildings or other improvements shall in no case exceed (the amount paid for them by the grantee at the time of alienation or their value at the time of resumption or acquisition, whichever may be less, together with) the --- initial cost or the value at the time of resumption or ----- acquisition which ever may be less, of any buildings erected or other improvements effected on the land by the grantee in ---- accordance with the terms of the grant. Any grant which may be made by Government towards the cost of any buildings shall be deducted from the compensation payable to the alienee.

9. In the event of the grantee refusing to remove the buildings, when so directed under condition 4 or 7, the Government may remove them and realize the cost of removal by the sale of the materials.

10. In the event of the voluntary relinquishment of the land by the grantee, no compensation shall be payable fo any improvements that may have been effected or for works th may have been executed on the land by the grantee (and the

grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant).

11. The land shall be liable to full ground rent --- revisable at resettlements if at any time it is found that the grantee derives any income from the land.

Sd/- N. K. Nambiyar,
[illegible] 5.6.57.
For Collector.

For Collector.

1. The land comprised in T.S.Nos. 287/2 and 288/2 of Mangalore Thota village measuring 12 and 22 cents respectively shall be used for the purposes of the St. Rita de Cascia Church Jeppoo which are detailed in the margin and for no other purpose.

Mangalore Thota village.	
T.S.No.287/2 :-	1½ cents for the site of the building of the ~~Secretary~~ Sacristy.
	10¾ cents - church garden.
T.S.No.288/2 :-	10½ cents site for the extension of the Church building.
	11½ cents for the church yard and procession route.

2. The buildings as specified in the margin shall be erected on the land within 2 years from the date of the grant. No other buildings shall be erected on the land without the previous permission of the Collector.

3. The grantee shall maintain the buildings after their construction in accordance with condition 2, in good condition. Such repairs as the Collector may consider necessary from time to time shall be executed by the grantee within such time as the Collector may fix and to his satisfaction. In the event of default, the repairs shall be carried out by the Collector and the cost thereof recovered from the grantee.

4. The Government may resume the land wholly or in part with any buildings thereon in the event of infringement of any of the conditions of the grant. In the event of such --- resumption no compensation shall be payable for any improvement that may have been effected or other works that may have been executed on the land by the grantee (and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant). If there are buildings on the land, the Government may direct the grantee to remove them.

5. The Government may resume the land wholly or in part with any buildings thereon, if in the opinion of the Government

the land is required for a public purpose or for conducting mining operations. (In the event of such resumption or in the event of the acquisition of the land for any reason, the compensation payable for the land and trees shall in no case --- exceed the amount paid for them by the grantee or their value at the time of resumption or acquisition whichever may be less).

6. In the event of resumption or acquisition of the plot for any reason, no compensation shall be payable for any buildings erected without permission.

7. In the event of resumption under condition 5 if there are buildings on the land, the Government may at their option,

(a) purchase the buildings, or

(b) direct the grantee to remove the buildings.

8. In the event of the resumption of the land followed by the purchase of the buildings under condition 7 or in the event of the acquisition of the land for any reason the compensation payable for buildings or other improvements shall in no case exceed (the amount paid for them by the grantee at the time of alienation or their value at the time of resumption or acquisition, whichever may be less, together with) the --- initial cost or the value at the time of resumption or ----- acquisition whichever may be less, of any buildings erected or other improvements effected on the land by the grantee in ---- accordance with the terms of the grant. Any grant which may be made by Government towards the cost of any buildings shall be deducted from the compensation payable to the alienee.

9. In the event of the grantee refusing to remove the buildings, when so directed under condition 4 or 7, the Government may remove them and realize the cost of removal by the sale of the materials.

10. In the event of the voluntary relinquishment of the land by the grantee, no compensation shall be payable for any improvements that may have been effected or for works that may have been executed on the land by the grantee (and the

grantee shall not be entitled t- the repayment of any amount that may have been paid to the Government for the grant.

11. The land shall be liable to full ground rent --- revisable at resettlements if at any time it is found that the grantee derives any income from the land.

sd/- N. K. Nambiyer,
5.6.37.
for Collector.

(True copy)

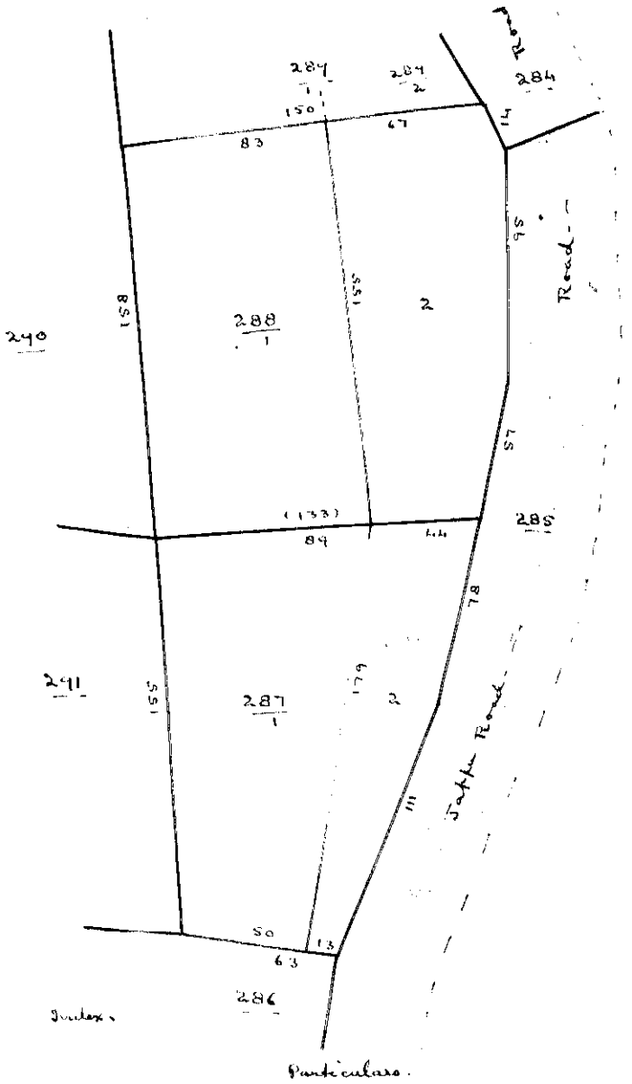
for Collector.

Taluk. Mangalore.

Village { No. 42. / Name. Mangalore Thota.

8-11-5-5. Field No. 287 & 288 — Area 0-54 / 0-37 } Acres.

R.S.No. 354 & 355.



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J.S.No. & subdivision No.		Particulars.
287	1	Patta land of Mrs. M. M. Kotabo Bai.
288	1	
287	2	Plot to be eliminated. — Area. 0-12 cents.
288	2	Do. — Area. 0-22 cents.
286	.	Patta land of Nagamma.
284	1	Do. — A. Venkata Rao.
	2	Road

Scale 1 inch = One Chain. 66 feet.

B. Lakshmi Shanbhogue
30.12.36.

Eyesketch

R.F. XVII-2G.

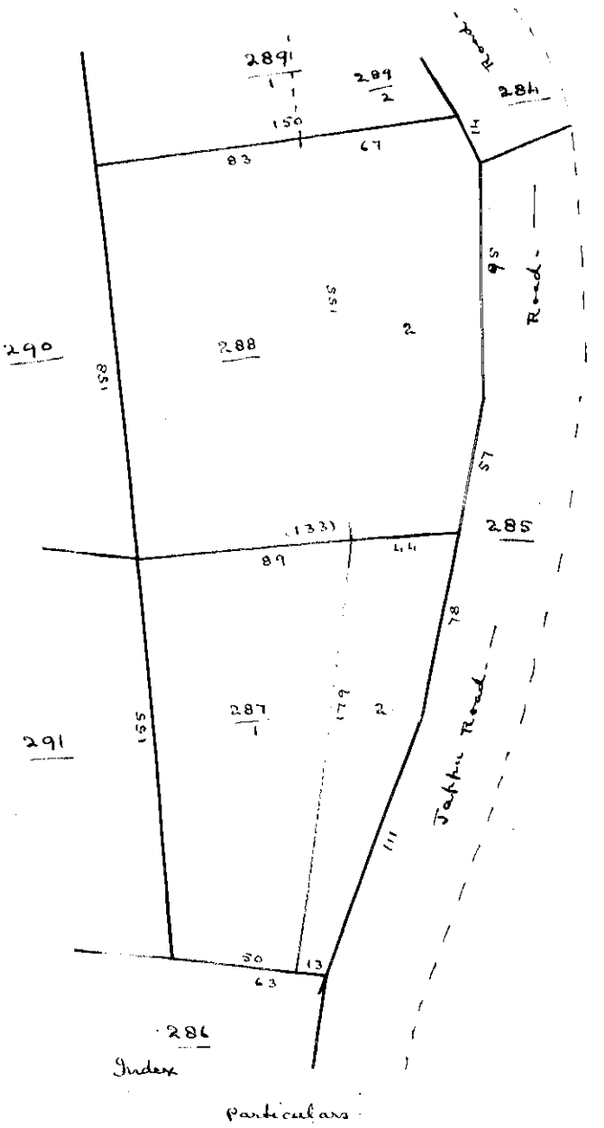
District . South Kanara.

Taluk . Mangalore.

Village { No. 42.
Name Mangalore Kota.

S.H. J.S. Field No. 287+288.
R.S.No. 354+355

Area. 0-54 / 0-37. } Ac



Index

Particulars.

J.S.No. & Sub division No.		
287	1	Patta land of Mrs M. M. Lobo Bai
288	1	
287	2	Plot to be alienated — area. 0-12 cents.
288	2	" " — area. 0-22 cents.
286	.	Patta land of Nagamma.
289	1	" " A. Venkat Rao.
	2	Govt

19-11 arasmi
A.D. 8/12/36

Scale 1 inch=One Chain. 66 feet.

O. Lukkette.
Shanbhogue.
30-12-36.

Alienation - Land & Revenue ~~Buildings~~ -
S. Kanara) - Mangalore Taluk - Mangalore
Hobli village ~~town~~ - T.S.Nos 287/2 and 288/2 -
Extension of church, garden etc - Parish Union
of the Diocese of Mangalore - Sanctioned.

B3845 - From the Collr of S. Kanara. Rep. Bs -
1835-37 & 11-8-37

~~Recommended~~

Sanctioned.

Rev. Mis No 3773 dt 6.12-37

~~At the instance of the Collector of~~
The Board ~~recommends~~ sanctions the alienation of the plots of land
comprised in T.S.Nos 287/2 & 288/2 of Mangalore Hobli
village, Mangalore taluk/S. Kanara measuring Ac. 0-12 and 0-22 cents respy
in favour of the Parish Union of the Diocese of Mangalore
for use as the site of a church etc as detailed below:-

T.S. No.	Extent a.c	Purpose
287/2	0-1¼	Building of the sacristy.
	0-10¾	Church garden
288/2	0-10½	Extension of the church building.
	0-11½	Church yard and procession route

(Rs 570/-)

2. The alienation will be ~~free of charge~~ subject to the payment of for the occupancy right ~~and~~ but free of ~~assessment~~ ground-rent ~~but subject to assessment which will be liable to revision at every resettlement~~ and subject to the payment of Rs. 30/- (Thirty) only being the value of the trees standing on the land and subject also to the following conditions: ~~to which the alienee has agreed~~

(1) The lands shall be used as the sites of the Sacristy, Church garden, church building, church yard & procession route and for no other purpose.

(2) The buildings referred to in condition (1) shall be constructed within two years from the date of the grant.

(3) No other buildings shall be constructed on the land without the previous permission of the Collector of the district.

(4). The Government may resume the land wholly or in part with any buildings thereon, in the event of the infringement of any of the conditions of the grant. In the event of such resumption no compensation shall be payable for any improvements that may have been effected or other works that may have been executed on the land by the grantee and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant. If there are buildings on the land, the Government may direct the grantee to remove them.

(5) The Government may resume the land wholly or in part with any buildings thereon if in the opinion of the Government the land is required for a public purpose, or for conducting mining operations. In the event of such resumption or in the event of the acquisition of the land for any reasons, the compensation payable for the land and trees shall in no case exceed the amount paid for them by the grantee or their value at the time of resumption or acquisition whichever may be les

the amount paid for them by the grantee at the time of alienation or their value at the time of resumption or acquisition, whichever may be less, together with the initial cost or the value at the time of resumption or acquisition, whichever may be less, of any buildings erected or other improvements effected on the land by the grantee in accordance with the terms of the grant. But in no circumstances shall any compensation be paid by the Government in respect of buildings constructed in contravention of condition

In the event of the grantee refusing to remove the buildings when so directed under condition (4) or (6) the Government may remove them and realise the cost of removal by the sale of the materials.

In the event of the voluntary relinquishment of the land by the grantee no compensation shall be payable for any improvements that may have been effected or for works that may have been executed on the land by the grantee and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Govt.

Alienation -- Lands Rev. (S. Kanara) - Mangalore Tk - Mangalore Hobli of ye - T.S. nos. 287/2 and 288/ Extension of Church, garden etc - Parish Trust of the Diocese of Mangalore.

B.3845. From the Colr of S. Kanara -

Ref B3 - 1839-37 9.11.37

To Asst Secy.

The Colr's letter at pp 1-2 of is submitted for order.

The lands in question were originally under sivayijama occupation. As they were alienated by the occupier in violation of the conditions subject to which he was permitted to occupy them, the Colr cancelled the permission & ordered the re-entry of the lands on 1-5-36. The lands are now at the absolute disposal of the Govt. The Colr has submitted proposals for their alienation in favour of the Parish Trust of the Diocese of Mangalore for the purpose a church in pursuance of the instructions issued in B.P. Mis no. 4075 of 24.11.36.

The proposed alienee has paid the market value of the lands. It may be noted that recently the Govt have ordered that in case of alienation of lands for religious purposes the collection of market value of the lands need not be insisted upon. As ~~the lands~~ in the

present case the lands are required for the religious purposes mentioned at p 21 cf, it appears that their market value need not be collected from the Parish Incumbent that the Collr may be asked to refund the sum of Rs5 to collected from the Incumbent For orders.

The alienation proposals are complete and in order and are within the sanctioning power of the Full Board. They may be sanctioned.

JS (A.)

GR
1.1.43;
13937

BG
11/9.

The previous history of this case was rather peculiar. A certain Mrs. Lobo paid market value & wanted assignment so that she might convey these plots along with certain other private properties to the Church. Obviously the Church would have paid for the plots if the transaction had been allowed. Now Father Fernandez has paid market value. The plots lie within the limits of Mangalore Town & if disposed of obtaining market-value will be effected. There are cases where M.V. has been collected though the acquisition was for religious purposes. On the whole As the alienee is in a position to pay & has in fact paid market-value

the alienation may be sometimes subject to the payment of value for the occupancy rights, but free of G.R.

15.9.37

It may have been said for the money need not be refunded. The site is valuable may be alienated free of G.R.

1 agm 28/9

1 agm

Please see order overleaf sanctioning the alienation. The extent of the lands involved in this case is only 34 cents in all. Order may be issued sanctioning the alienation.

Draft submitted

6/12/27

6/12
6/12/27
4.12.27